

### **REMARKS/ARGUMENTS**

The Office Action of June 14, 2007, and the Advisory Action of August 22, 2007 have been carefully reviewed and these remarks are responsive thereto. Claims 3, 5, 9-20, 24-36, 39, 40, and 44 have been amended so as to place the claims in a more preferred form. Also, Claims 24 and 27 have been amended to correct antecedent issues. No new subject matter has been added. Claims 1, 3-42 and 44 remain pending. Reconsideration and allowance of the application are respectfully requested.

#### ***Rejection Under 35 U.S.C. § 112***

Claim 24 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants have amended Claim 24 to more clearly recite features as set forth in paragraph [17] of the specification. Applicants assert that this feature is supported by paragraphs [17]-[18] in conjunction with Figures 3-4.

#### ***Rejections Under 35 U.S.C. § 103***

Claims 1 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson (U.S. Pat. No. 5,513,246) in view of Chen (U.S. Pat. No. 6,731,936).

Claims 24-29, 31, 33-35, 41, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Chen, and further in view of Malek (U.S. Pat. No. 5,822,313).

Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Chen, and further in view of Ahopelto (U.S. Pat. No. 5,970,059).

Claims 21, 23, and 36-38 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and further in view of Malek.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Malek, and further in view of Taketsugu (U.S. Pat. No. 5,420,863).

Claims 9-14, 16, 18-20, and 39 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen, and further in view of Makinen (U.S. Pat. No. 5,764,700).

Claim 17 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Makinen, and further in view of Doshi (U.S. Pat. No. 5,936,965).

Claim 32 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Malek, and further in view of Doshi.

Claims 40 and 44 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Makinen, and further in view of Malek.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Makinen, and further in view of Lim (U.S. Pat. No. 6,766,168).

Claim 30 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Malek, and further in view of Lim.

These rejections are traversed for at least the following reasons.

Independent claim 1 recites, among other features, “*determining at the mobile terminal* that said digital video broadcasting signal data from said second wireless transmitter meets a second predefined criterion. The Advisory Action on Page 2 states that “Jonsson discloses on Col. 9, lines 1-8 that the media center does the determination, but also suggests that not necessarily the media center is the one who have to [do] the determination. In other words Jonsson discloses that what is important is making the determination, not who makes the determination or how the labor is shared.”

Applicants assert that the present invention is different from what is disclosed by Jonsson, and that as such, Jonsson does not teach or suggest this feature. As Applicants have previously described, Jonsson discloses a mobile *radiotelephone* system, wherein the mobile services center is in back and forth communications with mobile stations through base stations. The location determination and handoff described by Jonsson is in this respect, typical of radiotelephone systems because the mobile services center must communicate and track all mobile stations active in its coverage. In the present invention as described by Claim 1, the claim is directed towards receiving digital video broadcasting signals. In the present invention, a service center or base station has no information about what mobile terminals are receiving the digital video broadcasting signal. Typically the service center or base station does not track this information. Therefore, as Applicants have argued, it is important that the process of

determining whether the digital video broadcast signal meets the second predefined criterion and switching reception if it does, but done *by the mobile terminal*. This is not an immaterial difference. Jonsson does not teach or suggest this feature.

With regard to Chen, Applicants have previously noted that Chen teaches away from the features of "switching reception from said first wireless transmitter to said second wireless transmitter after a first digital video broadcasting signal transmission burst has been received and before a second digital video broadcasting signal transmission burst has been received" as recited. Instead, Chen teaches *combining* the transmissions from multiple sectors when switching reception from said first wireless transmitter to said second wireless transmitter (i.e., during handoff) as recited.

Applicants submit that the applied references fail to teach or suggest the above identified features as recited in claim 1 for the reasons presented in the Amendment of April 5, 2007, at pages 12-14. Claim 1 is allowable for at least those reasons.

Dependent claims 6-8, which depend from claim 1, are allowable for at least the same reasons as claim 1.

Independent claim 24 recites, among other features, an apparatus comprising "a digital broadcast receiver configured to receive at least a first portion of the digital video broadcasting information as a first transmission burst." Applicants in the Amendment of April 5, 2007 at pages 14-15 presented remarks as to how the applied references fail to teach or suggest the recited features; Applicants maintain the substance of those remarks herein. The Office Action at page 3, paragraph 8, alleges that Jonsson at col. 3, lines 1-2, col. 5 line 56 and col. 6, line 34 demonstrates the recited features. Applicants respectfully disagree. Jonsson at col. 3, lines 1-2 refers to Fig. 2, which depicts a block diagram of a mobile station portion of a mobile *radiotelephone* system. Jonsson at col. 7, lines 35-48 demonstrates incoming *radio* frequency signals are received by a receiver 126; the signal strengths over the *cellular frequencies* are in turn measured by a signal level meter 129. Jonsson is directed to a cellular mobile radiotelephone system. See Jonsson Abstract. Jonsson is wholly devoid of any teaching or suggestion of an apparatus including a digital broadcast receiver configured to receive at least a first portion of the digital video broadcasting information as a first transmission burst as recited

in claim 24. Applicants submit that Chen fails to teach or suggest the recited features as well. Malek fails to cure the above noted deficiencies of Jonsson and Chen. Thus, notwithstanding whether the combination of Jonsson, Chen, and Malek is proper, the combination fails to result in all of the features recited in claim 24. Claim 24 is allowable for at least these reasons.

Dependent claims 25-29, which each depend from claim 24, are allowable for at least the same reasons as claim 24.

Independent claim 31 recites features similar to those described above with respect to claim 24, and is allowable for at least those same reasons. Moreover, independent claim 31 recites features similar to those recited in claim 1, and is allowable for at least those additional reasons, because Malek fails to cure the above noted deficiencies of Jonsson and Chen with respect to claim 1.

Dependent claims 33-35, 41, and 42, which each depend from at least one of claims 1 and 31, are allowable for at least the same reasons as their respective base claims.

Ahopelto fails to cure the above noted deficiencies of Jonsson and Chen with respect to claim 1. Thus, notwithstanding whether the combination is proper, the combination fails to result in the features recited in claim 1. Dependent claims 3-5, which each depend from claim 1, are allowable for at least the same reasons as claim 1.

Regarding independent claim 21, the Advisory Action notes on page 3 that Chen discloses at col. 8 line 11 a bit error rate. Applicants agree. However that was not the argument that Applicants were presenting in the previous response. Instead, Applicants argue that Chen does not teach or suggest "*the mobile terminal deriving a first bit error rate for digital video broadcasting information received from said first wireless transmitter; when said first bit error rate for said first wireless transmitter is greater than a predefined quasi-error-free value, the mobile terminal deriving a second bit-error-rate for a second wireless transmitter.*" Applicants submit that the combination of Jonsson, Chen, and Malek fails to teach or suggest the features noted above as recited in claim 21. Thus, notwithstanding whether the combination is proper, the combination fails to teach or suggest all of the features as recited in claim 21. The Office Action at pages 11-12 correctly indicates that Jonsson fails to disclose [*the mobile terminal*] *deriving a [first] bit error rate*. Chen fails to overcome these deficiencies. Chen at col. 7, lines

22-26 and col. 8, lines 8-13 merely demonstrates a subscriber station *using* a quality metric (including for example, bit-error-rate) of a forward link for deciding which forward broadcast channel shared channel (F-BSCH) transmitted by base stations 110 to monitor. Chen fails to teach or suggest the mobile terminal *deriving* a bit error rate as recited in claim 21. Malek fails to overcome these deficiencies as well. Claim 21 is allowable for at least these reasons.

Dependent claim 23, which depends from claim 21, is allowable for at least the same reasons as claim 21.

Independent claim 36 recites features similar to those described above with respect to claim 21. Claim 36 is allowable for at least those same reasons.

Dependent claims 37 and 38, which each depend from claim 36, are allowable for at least the same reasons as claims 36.

Taketsugu fails to cure the above noted deficiencies of Jonsson, Chen, and Malek with respect to claim 21. Thus, notwithstanding whether any combination of the references is proper, the resultant combination fails to result in the features of claim 21. Dependent claim 22, which depends from claim 21, is allowable for at least the same reasons as claim 21.

Independent claim 9 recites, among other features, "a digital broadcast receiver suitable for receiving digital video broadcasting information from a plurality of wireless transmitters, wherein said digital broadcast receiver is configured to receive from a first transmitter at least a first portion of the digital video broadcasting information as a first transmission burst." These features are similar to those described above with respect to claim 24. Makinen fails to cure the above noted deficiencies of Jonsson, Chen, and Malek with respect to claim 24. Thus, notwithstanding whether any combination of Jonsson, Chen, Malek and Makinen is proper, the combination fails to result in the features as recited in claim 9. Claim 9 is allowable for at least these reasons.

Dependent claims 10-14, which each depend from claim 9, are allowable for at least the same reasons as claim 9.

Independent claim 16 recites features similar to those described above with respect to claim 9. Claim 16 is allowable for at least those same reasons.

Dependent claims 18-20 and 39, which each depend from claim 16, are allowable for at least the same reasons as claim 16.

Dependent claim 17 is allowable for at least the same reasons as claim 16 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Makinen, and Doshi is proper, Doshi fails to cure the above noted deficiencies of Jonsson, Chen and Makinen with respect to claim 16.

Dependent claim 32 is allowable for at least the same reasons as claim 31 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Malek, and Doshi is proper, Doshi fails to cure the above noted deficiencies of Jonsson, Chen, and Malek with respect to claim 31.

Dependent claim 40 is allowable for at least the same reasons as claim 16 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Makinen, and Malek is proper, Malek fails to cure the above noted deficiencies of Jonsson, Chen, and Makinen with respect to claim 16.

Dependent claim 44 is allowable for at least the same reasons as claim 9 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Makinen, and Malek is proper, Malek fails to cure the above noted deficiencies of Jonsson, Chen, and Makinen with respect to claim 9.

Dependent claim 15 is allowable for at least the same reasons as claim 9 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Makinen, and Lim is proper, Lim fails to cure the above noted deficiencies of Jonsson, Chen, and Makinen with respect to claim 9.

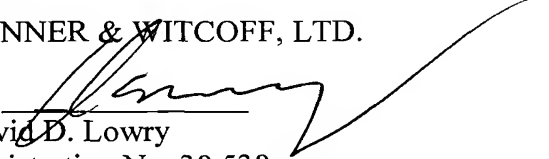
Dependent claim 30 is allowable for at least the same reasons as claim 24 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Malek, and Lim is proper, Lim fails to cure the above noted deficiencies of Jonsson, Chen and Malek with respect to claim 24.

**CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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